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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,470	09/20/2001	Richard Francis Russell	2001-0157.02	1706
21972	7590	05/02/2006	EXAMINER	
LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			REFAI, RAMSEY	
		ART UNIT	PAPER NUMBER	
		2152		
DATE MAILED: 05/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/960,470	RUSSELL ET AL.	
	Examiner	Art Unit	
	Ramsey Refai	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 March 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

*Response to Amendment*

Responsive to Request for Continued Examination (RCE) received March 24, 2006. Claims 1, 2, 4, 7, 8, 10, and 12 have been amended. Claims 13 and 14 have been newly added. Claims 1-14 are now pending further examination.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (U.S. Patent No. 6,967,734).

3. As per claim 1, Wang et al teach a method of creating network printer ports on a computer workstation, said computer workstation having an operating system that includes a print subsystem, comprising the steps of:

providing a network; communicatively coupling said computer workstation to said network via a first network interface device; communicatively coupling at least one printer to said network via a second network interface device separate from said first network interface device (**column 1, lines 23-27, column 3, lines 15-25**);

said computer workstation itself performing both printer discovery and network printer port creation on said computer workstation by the steps of transmitting a discovery packet from said computer workstation to which a printer of a designated type can respond (**column 1, lines 34-39**);

receiving by said computer workstation a response packet from said a first printer of said designated type, said response packet including printer-specific network information of said first printer of said designated type (**column 3, lines 27-45**);

identifying by said computer workstation whether a network port exists on said computer workstation for said first printer of said designated type (**column 3, lines 16-45**); and

if no such network port exists on said computer workstation, then automatically creating a first network printer port for said first printer of said designated type on said computer workstation based on said printer-specific network information for said first printer of said designated type (**column 1, lines 23-39**).

4. As per claim 2, Wang et al teach the steps of initializing a port monitor on said computer workstation upon a loading of said print subsystem, said port monitor performing each of said transmitting step, said receiving step and said identifying step (**column 4, lines 23-29**).

5. As per claim 3, Wang et al teach wherein said operating system is a Windows operating system (**column 2, lines 25-34**).

6. As per claim 4, Wang et al teach wherein said Windows operating system running on said computer workstation includes a print spooler for initializing said port monitor and for performing said creating step (**column 3, lines 7-13**).

7. As per claim 5, Wang et al teach wherein said print spooler receives said printer specific network information for said first printer from said port monitor (**column 4, lines 4-21**).

8. As per claims 6, 9, and 11, Wang et al teach wherein said printer-specific network information includes a TCP/IP address of said first printer and a MAC address of said first printer (**column 3, lines 45-59**).

9. As per claim 7, Wang et al teach wherein said discovery packet is a propriety broadcast message to which only a-said printer of said designated type on said network will respond (**column 3, lines 10-13 and 35-45**).

10. As per claim 8, this claim contains similar limitations as claim 1 above, therefore is rejected under the same rationale.

11. As per claim 10, this claim is similar to claims 1, 3, 4, 5, 7 above, but also teaches an Add port mechanisms, which is taught by Wang et al in **column 3, lines 7-8**.

12. As per claim 12, Wang et al teach wherein the step of invoking said Windows print spooler of said workstation to initialize said port monitor at said workstation to send said proprietary broadcast message from said workstation to which each printer of said designated type on said network can respond occurs when said print subsystem is loaded by said workstation (**column 4, lines 4-52**).

13. As per claim 13, Wang et al teach wherein said computer workstation performing said printer discovery sends said discovery packet as a propriety broadcast message to which only said printer of said designated type on said network will respond (**column 3, lines 26-45**).

14. As per claim 14, Wang et al teach wherein only said printer of said designated type on said network will respond to said propriety broadcast message (**column 3, lines 26-45**).

#### *Response to Arguments*

15. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

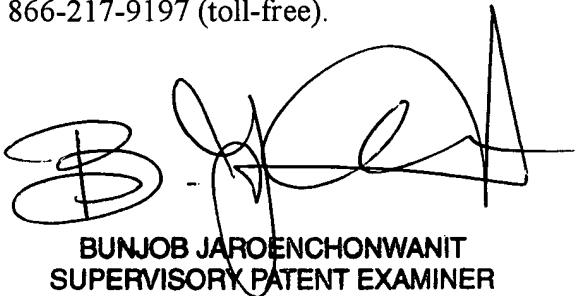
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2152



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER